



MARICOPA COUNTY
Zoning, Infrastructure, Policy, Procedure, and
Ordinance Review (ZIPPOR) Committee
Planning and Development Department
Gold and Platinum Rooms
501 N. 44th Street, 1st Floor
Phoenix, Arizona

Agenda
Thursday, February 16, 2017

This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431). All items on this agenda are for Committee action unless otherwise noted. The Committee may break for lunch at its discretion during this agenda. These items will be heard at the next available Planning & Zoning Commission meeting hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Rosalie Pinney at rosaliepinney@mail.maricopa.gov at 602-506-0625 or 602-506-3301. TDD is available at 602-506-7140.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Committee, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Call To Order: 9:30 a.m.

Roll Call

Approval of Minutes: September 8, 2016
January 19, 2017

Regular Agenda:

- | | | | |
|----|-----------------|--|----------------------|
| 1. | Case #: | TA2016001 | All Districts |
| | Applicant: | Staff | |
| | Location: | Countywide | |
| | Request: | Group Home/Group Care Facility Definitions | |
| | Recommendation: | Initialization of Text Amendment | |
| | Presented by: | Derek Scheerer | |
| | | | |
| 2. | Case #: | TA2016002 | All Districts |
| | Applicant: | Staff | |
| | Location: | Countywide | |
| | Request: | C-3 Nightclubs | |
| | Recommendation: | Initialization of Text Amendment | |

February 16, 2017 ZIPPOR Agenda

- Presented by: Jaclyn Sarnowski
3. Case #: **TA2016003** All Districts
Applicant: Staff
Location: Countywide
Request: Runway and Landing Strips
Recommendation: **Initialization of Text Amendment**
Presented by: Jaclyn Sarnowski
4. Case #: **TA2016004** All Districts
Applicant: Staff
Location: Countywide
Request: Home Occupations/Sales, Garage/Yard Definitions
Recommendation: **Initialization of Text Amendment**
Presented by: Derek Scheerer
5. Case #: **TA2016005** All Districts
Applicant: Staff
Location: Countywide
Request: Adult Oriented Facilities Definition
Recommendation: **Initialization of Text Amendment**
Presented by: Jaclyn Sarnowski
6. Case #: **TA2016006** All Districts
Applicant: Staff
Location: Countywide
Request: Ordinance P-10 for Adult Oriented Businesses and Adult Service Providers
Recommendation: **Initialization of Text Amendment**
Presented by: Jaclyn Sarnowski
7. Case #: **TA2016007** All Districts
Applicant: Staff
Location: Countywide
Request: Home Occupations
Recommendation: **Initialization of Text Amendment**
Presented by: Derek Scheerer
8. Case #: **TA2016008** All Districts
Applicant: Staff
Location: Countywide
Request: Tiny Houses (Zoning)
Recommendation: **Initialization of Text Amendment**
Presented by: Jaclyn Sarnowski
9. Case #: **TA2016009** All Districts
Applicant: Staff
Location: Countywide
Request: Tiny Houses (Building)
Recommendation: **Initialization of Text Amendment**
Presented by: Jaclyn Sarnowski

Adjournment



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2016001 – Group Home / Group Care Facility Definitions

Meeting Date: February 16, 2017

Agenda Item: 1

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance, Chapter 2, Section 201

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This text amendment will add additional language and definitions as well as delete existing language in the definitions section of the Maricopa County Zoning Ordinance to clarify what constitutes an 'adjudicated person', a 'family', and to clarify what qualifications are required for 'Group Care Facilities', and 'Group Homes'. TA2016001 as proposed will further lessen regulatory burden by providing greater flexibility to Group Home applicants. Proposed verbatim language is (added language is underscored, deleted language is struck-through):

ARTICLE 201.2 Definitions:

ADJUDICATED PERSON: a person who is actively on parole or probation and ordered by court or regulatory agency to reside at a specific address. Two or more such persons at the same address shall be considered a Group Care Facility.

FAMILY: An individual or two (2) or more persons related by blood, marriage, or adoption, and usual servants, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit. (This definition shall also include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.)

GROUP CARE FACILITY: A dwelling unit shared as their primary residence by any class of patient residents under supervised care who do not qualify as a Group Home.

GROUP HOME FOR THE HANDICAPPED AND ADULT CARE: A dwelling unit shared as their primary residence by minors, handicapped or elderly persons, living together as a single housekeeping unit, in a long term, family-like environment in which staff persons provide on-site care, training, or support for the residents. Such homes or services provided therein shall be licensed by,

certified by, approved by, registered with, funded by or through, or under contract with the State. [Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.]

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2017. If this item is initiated at today's ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2016. The ordinance/amendments will take immediate effect upon adoption/approval.

Attendance at the stakeholder meeting was limited with two members from the public in attendance. Paul H. McAllister, of the New River Desert Foothills Community Association, expressed written support contingent that the revision meets Arizona Revised Statutes.

Recommendation:

Staff recommends the Commission **initiate** TA2016001.

Prepared by Derek Scheerer, Planner and Darren V. Gerard, AICP, Deputy Director

Attachments: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)
12/1/16 New River Desert Hills Community Association Comments (1 page)



Friday, December 2, 2016

[illegible]

Maricopa County Planning & Development Department posted a Stakeholder Workshop Notification for the Text Amendment summarized below. This is the step before going to the P & Z Commission.

TEXT AMENDMENTS TA2016001 THRU TA2016006 - NR-DHCA's response via count website

TA2016001: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in the definitions for group home and group care facilities. This TA will have no impact on the local area. **Recommendation:** Express Support **with comment** - As this moves forward, we would like to have assurances that this conforms with the Arizona Revised Statutes.

TA2016002: Amends Chapter 8, Article 805.2 (C-3) of the Maricopa County, AZ Zoning Ordinances.

Current language can be interpreted to read that adult oriented facilities are not permitted under C-3 zoning. However, it is a permitted use which is removed from residential neighborhoods. The amended language will clarify that outdoor music or entertainment is not allowed at adult oriented businesses in the C-3 zoning district. This TA as written will have no impact on the local area. **Recommendation:** Express Support

TA2016003: Amends Chapter 11, Article 1111.3 of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in Chapter 11 that pertains to the Runway Protection Zone (RPZ) of any airport. There are three options; none impact on the local area. **Recommendation:** Other with **comment** - We support Option 1 provided that a drawing is provided to clarify the text to clarify the text.

TA2016004: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in the definitions for home occupancy, sales, garage/yard. In the definition of "Sale, Garage / Yard" it does add that "these sales do not exceed six days in one year." This TA will have an impact on the local area but will eliminate confusion and eliminate yard sales operated as a business. **Recommendation:** Express Support

TA2016005: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify definition inconsistencies that exist in the definitions for adult orientated facilities. The definition now references the county ordinances. This streamlined definition is not a regulatory change. This TA as written will have no impact on the local area. **Recommendation:** Express Support

TA2016006: Amends Ordinance P-10. This Ordinance pertains to the administration of adult service providers.

This TA as written will clarify inconsistencies that exist in the administration of adult service providers. This TA will take away the administration of adult service providers from the Department of Planning and Development and require that the Sheriff's Office accept this responsibility. This TA as written will have no impact on the local area. **Recommendation:** Express Support **with comment** - As this moves forward, we would like to have assurances that this conforms with the Arizona Revised Statutes.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016002 – C-3 Nightclubs

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 2

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment to the Maricopa County Zoning Ordinance to clarify ordinance language regarding the use of adult oriented facilities within the C-3 zoning.

Support/Opposition: One email of support from the New River-Desert Hills Community Association, dated December 1, 2016

Recommendation: **Initiate**

Discussion:

Current language can be interpreted to read that adult oriented facilities are not permitted under C-3 zoning. The amended language will clarify that outdoor music or entertainment is not allowed at adult oriented businesses in the C-3 zoning district. It will also remove any question as to whether or not adult oriented businesses are permitted in the C-3 zoning district. The use is permitted; it would not be logical to permit the use in the C-2 zoning but not in the higher intensity C-3 zoning which tends to be further removed from residential neighborhoods. The end result is language clearly indicating nightclubs may have outdoor amplified music and entertainment unless the nightclub is an adult oriented business. This text amendment is a clarification and will not result in increased regulatory burden. In fact, the clarified language arguably works to liberalize the permitted use. Proposed verbatim language is (added language is underscored, deleted language is struck-through):

SECTION 805. C-3 (General Commercial Zoning District)

ARTICLE 805.2 USE REGULATIONS: A building or premise shall be used only for the following:

9. Dance halls and nightclubs, including outdoor amplified music, except adult oriented facilities as defined under Chapter 2 of this ordinance may not have outdoor music or entertainment.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2016. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

One email of support has been received via EROP:

Issue: TA2016002 C-3 Nightclubs

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: NEW RIVER
Zip: 85087
Phone Number: 6237426514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

Recommendation:

Staff recommends the Commission **initiate TA2016002.**

Prepared by: Jaclyn Sarnowski, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Friday, December 2, 2016

[illegible]



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016003 – Runway and Landing Strips

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 3

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment to the Maricopa County Zoning Ordinance to clarify ordinance language regarding under article 1111.3, Runway and Landing Strips.

Support/Opposition: One email of support from the New River-Desert Hills Community Association, dated December 1, 2016

Recommendation: **Initiate**

Discussion:

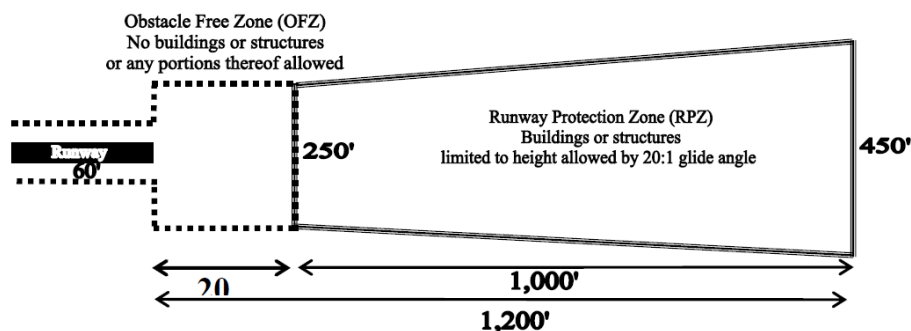
This text amendment will clarify language listed under article 1111.3, Runway and Landing Strips. Because this is a clarification to the zoning code it will not increase regulatory burden. The goal is to make clear the Board of Supervisors may waive Runway Protection Zones (RPZ) and Obstacle Free Zones (OFZ).

Proposed verbatim language is (added language is underscored, deleted language is struck-through, and changes since the December 2, 2016 Stakeholder Meeting are highlighted):

SECTION 1111. Additional Height Regulations

ARTICLE 1111.3 RUNWAYS AND LANDING STRIPS: Buildings or structures or any portions thereof, except for navigational aids, shall not be located in the obstacle free zone ("OFZ") which shall be defined as an area which is **60 feet wide** along each side of the edge of the runway of an existing or proposed runway or landing strip and **250 feet wide** centered along the projected runway center line at a distance of **200 feet** from the end or ends of an existing or proposed runway or landing strip where takeoff and landing is either executed or proposed. A runway protection zone ("RPZ") shall be located at the end or ends of the existing or proposed runway or landing strip where takeoff or landing is either executed or proposed which shall be a trapezoidal area which is **200 feet** beyond the ends of the runway and centered along the projected runway centerline. The RPZ shall be **1,000 feet long**. The width of the RPZ closest to the end of the runway or landing strip shall be **250 feet**. The width of the RPZ furthest from the end of the runway or landing strip shall be **450 feet**. Within the RPZ, buildings or structures or any portions thereof shall not be erected to exceed a height that would interfere with

the takeoff or landing of a plane with a glide angle of **one foot** vertical for every **20 feet** horizontal, such glide angle to be computed as beginning at the RPZ boundary which is closest to the end of the runway. The OFZ or RPZ should be located entirely on the same lot or parcel as the runway or landing strip. In any instance where any portion of the OFZ or RPZ of a runway or landing strip extends beyond the lot or parcel of property containing the runway or landing strip, written consent or avigation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie. The provisions of this paragraph may be waived for any-private airport subject to if it will not conflict with any regulation of the Federal Aviation Administration or Department of Defense requirement.



This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2016. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

One email of support has been received via EROP:

Issue: TA2016003 Runway and Landing Strips

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: NEW RIVER
Zip: 85087
Phone Number: 6237426514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

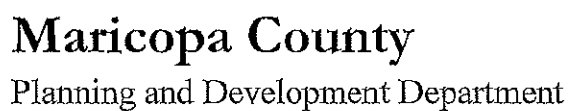
Comment is regarding: other

Comments: Other with comment - We support Option 1 provided that a drawing is provided to clarify the text to clarify the text

Recommendation:

Staff recommends the Commission **initiate TA2016003.**

Prepared by: Jaclyn Sarnowski, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Friday, December 2, 2016

[illegible]



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2016004 – Home Occupation / Sales, Garage / Yard Definitions

Meeting Date: February 16, 2017

Agenda Item: 4

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance, Chapter 2, Section 201

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This text amendment will add additional language and definitions as well as delete existing language in the definitions section of the Maricopa County Zoning Ordinance to clarify what constitutes a 'Home Occupation, Residential', a 'Home Occupation, Cottage Industry', and 'Sales, Garage / Yard'. TA2016004 as proposed will further lessen regulatory burden by providing garage and yard sales their own specific definition. Proposed verbatim language is (added language is underscored, deleted language is struck-through):

ARTICLE 201.2 Definitions:

HOME OCCUPATION, RESIDENTIAL:

An accessory use of a dwelling that involves very limited manufacture, provision, or sale of goods and/or services. This use may be administratively approved subject to conditions. ~~Garage/yard sales or home parties, that are held for the sale of goods or services, are not considered a home occupation provided these sales do not exceed **six** in **one year**. A residential home occupation is only permitted per the standards contained in the Rural and Single-Family Zoning Districts.~~

HOME OCCUPATION, COTTAGE INDUSTRY:

An accessory use of a dwelling that involves limited manufacture, provision or sale of goods and/or services. This use requires legislative approval by the Board of Supervisors. ~~Garage/yard sales or home parties that are held for the sale of goods or services are not considered a home occupation provided these sales do not exceed **six** in **one year**. A cottage industry is a more intense use than a residential home occupation and is only permitted per the standards contained in the Special Use Section in Rural Zoning Districts.~~

Sales, Garage / Yard: Garage/yard sales or home parties that are held for the sale of goods or services at a dwelling are not considered a home occupation provided these sales do not exceed **six** days in one year.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2017. If this item is initiated at today's ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2016. The ordinance/amendments will take immediate effect upon adoption/approval.

Attendance at the stakeholder meeting was limited with two members from the public in attendance. Paul H. McAllister, of the New River Desert Foothills Community Association, expressed written support. Donald Dahler, of the East Valley Property Rights Coalition, expressed concern over differentiating between Home Occupations and Cottage Industries.

Recommendation:

Staff recommends the Commission **initiate** TA2016004.

Prepared by Derek Scheerer, Planner and Darren V. Gerard, AICP, Deputy Director

Attachments: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)
12/1/16 Desert Hills New River Community Association Comments (1 page)
1/5/17 East Valley Property Rights Coalition Comments (1 page)



Friday, December 2, 2016

[illegible]

Maricopa County Planning & Development Department posted a Stakeholder Workshop Notification for the Text Amendment summarized below. This is the step before going to the P & Z Commission.

TEXT AMENDMENTS TA2016001 THRU TA2016006 - NR-DHCA's response via count website

TA2016001: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in the definitions for group home and group care facilities. This TA will have no impact on the local area. **Recommendation:** Express Support **with comment** - As this moves forward, we would like to have assurances that this conforms with the Arizona Revised Statutes.

TA2016002: Amends Chapter 8, Article 805.2 (C-3) of the Maricopa County, AZ Zoning Ordinances.

Current language can be interpreted to read that adult oriented facilities are not permitted under C-3 zoning. However, it is a permitted use which is removed from residential neighborhoods. The amended language will clarify that outdoor music or entertainment is not allowed at adult oriented businesses in the C-3 zoning district. This TA as written will have no impact on the local area. **Recommendation:** Express Support

TA2016003: Amends Chapter 11, Article 1111.3 of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in Chapter 11 that pertains to the Runway Protection Zone (RPZ) of any airport. There are three options; none impact on the local area. **Recommendation:** Other with **comment** - We support Option 1 provided that a drawing is provided to clarify the text to clarify the text.

TA2016004: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify inconsistencies that exist in the definitions for home occupancy, sales, garage/yard. In the definition of "Sale, Garage / Yard" it does add that "these sales do not exceed six days in one year." This TA will have an impact on the local area but will eliminate confusion and eliminate yard sales operated as a business. **Recommendation:** Express Support

TA2016005: Amends Chapter 2 Definitions of the Maricopa County, AZ Zoning Ordinances.

This TA as written will clarify definition inconsistencies that exist in the definitions for adult orientated facilities. The definition now references the county ordinances. This streamlined definition is not a regulatory change. This TA as written will have no impact on the local area. **Recommendation:** Express Support

TA2016006: Amends Ordinance P-10. This Ordinance pertains to the administration of adult service providers.

This TA as written will clarify inconsistencies that exist in the administration of adult service providers. This TA will take away the administration of adult service providers from the Department of Planning and Development and require that the Sheriff's Office accept this responsibility. This TA as written will have no impact on the local area. **Recommendation:** Express Support **with comment** - As this moves forward, we would like to have assurances that this conforms with the Arizona Revised Statutes.

Derek Scheerer - PLANDEVX

From: Darren Gerard - PLANDEVX
Sent: Thursday, January 05, 2017 5:53 PM
To: Donald Dahler
Cc: Derek Scheerer - PLANDEVX
Subject: RE: Regulatory Outreach - TA2016007

Mr. Dahler: thank you for your comments. They have been forwarded to Derek Scheerer, Planner, who is assigned the case. If you're able to attend tomorrow's stakeholder meeting we can discuss the issues you've raised.

Darren V. Gérard, AICP, Deputy Director
Maricopa County Planning & Development Department

Take our survey! www.yourvoicemc.com

From: dp.dahler@q.com [<mailto:dp.dahler@q.com>]
Sent: Thursday, January 05, 2017 4:58 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: TA2016007 Home Occupations

Citizen's Name: Donald Dahler
Organization: East Valley Property Rights Coalition
City: Mesa
Zip: 85207
Phone Number: 480-984-8061
Phone Type: home
Email: dp.dahler@q.com

Does citizen want to be contacted: yes

Comment is regarding: other

Comments:

1. Differentiate between a Home Occupation and a Cottage Industry: Something needs to be done to better differentiate between a Home Occupation (can be administratively approved) and a Cottage Industry (Requires Legislative Approval by the Board of Supervisors) at present they pretty much read the same. Maybe we need to give some specific examples of what is considered a home occupation that can be approved administratively and what the limitations are to get by with only administrative approval. At present there seems to be no significant difference between the Home Occupation and the Cottage Industry requirements which, could allow Cottage Industries being approved administratively without the proper input of the neighbors. 2. SPECIAL USES ARTICLE 1301.1 Add a requirement: n. The amount of permissible noise other than normal residential noise. If an individual is running a business out of their home in a quiet residential neighborhood the sound restrictions need to be stricter than the normal Maricopa County restrictions as the business could have loud noise all day and up to 10:00 P.M. every day which would be disruptive to the peace and tranquility of the residential neighborhood for neighbors trying to have a quite peaceful day or evening outdoors.

Time of Request: 1/5/2017 4:57:40 PM



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016005 – Adult Oriented Facilities Definition

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 5

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment to the Maricopa County Zoning Ordinance to Ordinance definition of Adult Oriented Facilities to reference the Maricopa County Ordinance for Adult Oriented Businesses and Adult Service Providers (P-10).

Support/Opposition: One email of support from the New River-Desert Hills Community Association, dated December 1, 2016

Recommendation: **Initiate**

Discussion:

This text amendment will update the Maricopa County Zoning Ordinance definition of Adult Oriented Facilities to reference the Maricopa County Ordinance for Adult Oriented Businesses and Adult Service Providers (P-10). It will delete several paragraphs of unnecessary verbiage. This streamlined definition is not a regulatory change.

Proposed verbatim language is (added language is underscored, deleted language is struck-through):

SECTION 201. DEFINITIONS

ADULT ORIENTED FACILITIES: Any use of land or building / structure subject to the Maricopa County Ordinance for Adult Oriented Businesses and Adult Service Providers. ~~Which shall include the following:~~

- ~~1. **Adult Arcade** (also known as "peep show"); Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."~~

2. ~~**Adult Bookstore or Adult Video Store:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:~~
 - a. ~~Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or~~
 - b. ~~Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."~~

~~A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified service activities" or "specified anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".~~
3. ~~**Adult Live Entertainment Establishment:** An establishment, which features:~~
 - a. ~~Persons who appear in a state of nudity; or~~
 - b. ~~Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or~~
 - c. ~~Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."~~
4. ~~**"Adult" Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are predominantly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."~~
5. ~~**"Adult" Theater:** A theater, concert hall, auditorium, or similar commercial establishment which predominantly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."~~
6. ~~**Massage Establishment:** Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any massage activities defined as: Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol. This definition shall not apply to:~~

- a. ~~Persons authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, or naturopathy;~~
 - b. ~~Registered nurses, licensed practical nurses or technicians, when acting under the supervision of a licensed physician or osteopath;~~
 - c. ~~Persons employed or acting as trainees for any bona fide amateur, semiprofessional or athlete or athletic team;~~
 - d. ~~Persons authorized by the laws of this state as barbers or cosmetologists, provided their activity is limited to the head, face, or neck.~~
7. ~~**Nude Model Studio:** Any place where a person who appears in a state of nudity, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:~~
- a. ~~That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and~~
 - b. ~~Where in order to participate in a class a student must enroll at least **three days** in advance of the class; and~~
 - c. ~~Where no more than **one** nude or semi-nude model is on the premises at any **one** time.~~

SPECIFIED SEXUAL ACTIVITIES:

~~Means and includes any of the following:~~

- 1. ~~Human genitals in a state of sexual stimulation or arousal.~~
- 2. ~~Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation, or sodomy.~~
- 3. ~~Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.~~
- 4. ~~Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.~~

SPECIFIED ANATOMICAL AREAS:

~~The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, and may include:~~

- 1. ~~Less than completely and opaquely covered:~~
 - a. ~~Human genitals, pubic region;~~
 - b. ~~Breasts below a point immediately above the top of the areola.~~
- 2. ~~Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2016. If this item is initiated at this

ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

One email of support has been received via EROP:

Issue: TA2016005 Adult Oriented Facilities Definition

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: NEW RIVER
Zip: 85087
Phone Number: 6237426514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

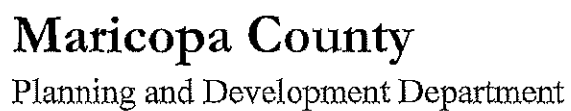
Comment is regarding: Express Support

Comments:

Recommendation:

Staff recommends the Commission **initiate TA2016005**.

Prepared by: Jaclyn Samowski, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Friday, December 2, 2016

[illegible]



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016006 – Ordinance P-10 for Adult Oriented Businesses and Adult Service Providers

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 6

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment to update the P-10 Adult Oriented Businesses and Adult Service Providers Ordinance to align with new departmental procedures. The Maricopa County Sheriff's Office is now responsible for implementing this ordinance and not the Planning and Development Department.

Support/Opposition: One email of support from the New River-Desert Hills Community Association, dated December 1, 2016

Recommendation: **Initiate**

Discussion:

This text amendment will update various aspects of this ordinance to align with new departmental procedures. The Maricopa County Sheriff's Office is now responsible for implementing this ordinance and not the Planning and Development Department. This text amendment removes the definition of Director from the definitions section (Section 2) and replaces Director with Sheriff throughout the text. Because this is updating language within the ordinance based on departmental procedures and will clarify this ordinance based on new procedures, the proposed text amendment will not increase regulatory burden.

Proposed verbatim language is (added language is underscored, deleted language is struck-through):

ORDINANCE P-10 FOR ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS

SECTION 2. DEFINITIONS

~~**Director** means the director of Maricopa County Planning and Development Department or the Director's designee.~~

SECTION 4. ADMINISTRATION

- a) The administration of this ordinance, including the duty of prescribing forms, is vested in the Sheriff ~~Director, except as otherwise specifically provided. The~~

~~County Sheriff shall render such assistance in the administration and enforcement of this ordinance as may be requested by the Director.~~

- b) License or permit applications made pursuant to this ordinance shall be submitted to the ~~Sheriff Director~~ who shall grant, deny, suspend or revoke licenses or permits in accordance with the provisions of this ordinance.

SECTION 6. APPLICATION FOR ADULT ORIENTED BUSINESS LICENSE

- a) An applicant for an adult oriented business license shall file at the office of the ~~Sheriff Director~~ an application, signed under oath by the applicant and notarized, accompanied by the fee required under section 21. An applicant or other person whose fingerprints and photograph are required under paragraph C may, at his option, be photographed and fingerprinted at the office of the Sheriff or other law enforcement agency. An application shall be deemed complete when the ~~Sheriff Director~~ has received the required fees, all information required in paragraph C, fingerprints of the applicant and a photograph of the applicant's face, and, in the case of a corporation or other business organization, a photograph and fingerprints of all persons for whom information is required under paragraph C of this section. The purpose for obtaining these fingerprints and photographs is to obtain a state and federal records check. The Sheriff's Office and the Department of Public Safety are authorized to exchange this information with the Federal Bureau of Investigation.
- d) The information provided pursuant to subparagraphs 5 and 6 of paragraph C of this section shall be supplemented in writing by certified mail to the ~~Sheriff Director~~ within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.
- e) ~~As requested by the director, the~~ The Sheriff shall investigate and confirm information supplied by the applicant.

SECTION 9. CONFIDENTIALITY

The information provided by an applicant in connection with the application for a license or permit under this ordinance is confidential and shall be maintained in confidence by the ~~Sheriff Director~~.

SECTION 10. GRANT OR DENIAL OF LICENSE OR PERMIT

- a) Upon receipt of a complete application for an adult oriented business license, the ~~Sheriff Director~~ shall issue to the applicant a temporary business license. Within forty five days after receipt of a complete application for an adult oriented business license, the ~~Sheriff Director~~ shall mail to the applicant a regular license or a notice of intent to deny. If the ~~Sheriff Director~~ fails to do so, the license shall be deemed granted.
- b) Upon receipt of an application for an adult oriented business manager permit or an adult service provider permit, including all information required by sections 7(b) and 8(b), payment of the required fees and completion of photograph and

fingerprinting requirements of section 6, the Sheriff Director shall issue to the applicant a temporary permit. Within thirty days after issuance of a temporary permit, the Sheriff Director shall mail to the applicant a regular permit or a notice of intent to deny. If the Sheriff Director fails to do so, the permit shall be deemed granted.

- c) The Sheriff Director shall grant a regular license or permit to an applicant who has completed all requirements for application, unless the Sheriff Director finds any of the following conditions noted below. For purposes of this paragraph, a person required to submit information pursuant to section 6(c) shall be deemed an applicant.

SECTION 12. ADULT SERVICE PROVIDER OR MANAGER WORK IDENTIFICATION CARD

The Sheriff Director shall provide a work identification card to all adult service providers and adult oriented business managers. The card shall contain a photograph of the permittee, the number of the permit issued to that permittee and the date of expiration of the permit.

SECTION 13. ADULT SERVICE BUSINESS: OPERATING REQUIREMENTS

- k) A sign, in a form to be prescribed by the Sheriff Director summarizing the provisions of subparagraphs c, d, j, and l of this section, shall be posted near the entrance of an adult service business in such a manner as to be clearly visible to patrons upon entry.

SECTION 16. SUSPENSION OF LICENSE OR PERMIT

The Sheriff Director shall suspend a license or permit for a period of ten days if the licensee or permittee is convicted of violating a provision of this ordinance.

SECTION 17. REVOCATION OF LICENSE OR PERMIT

The Sheriff Director shall revoke a license or permit issued pursuant to this ordinance if the licensee or permittee:

SECTION 18. PROCEDURES FOR DENIAL. REVOCATION. NONRENEWAL OR SUSPENSION: APPEAL

If the Sheriff Director determines that grounds exist for denial, suspension or revocation of a license or permit under this ordinance, he/she shall notify the applicant, licensee or permittee (respondent) in writing of his/her intent to deny, suspend or revoke, including a summary of the grounds therefore. The notification shall be by certified mail to the address on file with the Sheriff Director. Within ten working days of receipt of such notice, the respondent may provide to the Sheriff Director in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended or revoked and may include a request for a hearing. If a response is not received by the Sheriff Director in the time stated, the notification shall be the final

administrative action of denial, suspension or revocation and notice of such will be sent to the permittee or licensee within five working days after the expiration of the period for submitting a response. Within five working days after receipt of a response, the ~~Sheriff Director~~ shall either withdraw the intent to deny, suspend or revoke, and send notification of the withdrawal to the respondent in writing by certified mail, or shall schedule a hearing before a hearing officer and send notification to the respondent in writing by certified mail of the date, time and place of the hearing. If the ~~Sheriff Director~~ fails to send a timely notification either withdrawing the intent or scheduling a hearing, the intent to deny, suspend or revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than fifteen or more than thirty working days after receipt by the ~~Sheriff Director~~ of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. If respondent is represented by counsel, attorneys' fees shall be at the expense of respondent. The rules of evidence shall not apply. Respondent shall have the burden of proving by a preponderance of the evidence that the denial, suspension or revocation was arbitrary or capricious and an abuse of discretion. The hearing officer shall render a written decision within five working days after completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent on file with the ~~Sheriff Director~~. If more than forty five days elapse between receipt by the ~~Sheriff Director~~ of a request for a hearing and mailing by the hearing officer of a final decision to the respondent, a decision in favor of the applicant, licensee or permittee shall be deemed to have been rendered. In the case of an intent to revoke, suspend or non-renew a license or permit, or to deny a regular license or permit, the permittee or licensee may continue to function under the regular or temporary license or permit pending receipt of the final decision of the hearing officer. The decision shall be final at the end of five working days after it is mailed and shall constitute final administrative action.

SECTION 20. LICENSE AND PERMIT RENEWAL

- a) A license or permit may be renewed by filing an application for renewal in writing with the ~~Sheriff Director~~. The application shall contain the information required to be submitted with an original application, including fingerprints and a photograph, provided that, a renewal application need not contain any other information that has been provided in a previous application and has not changed since the time of the most recent application. An application for license renewal shall be received by the ~~Sheriff Director~~ not less than forty five days before the expiration of the license. An application for permit renewal shall be received by the ~~Sheriff Director~~ before expiration of the permit.
- b) The ~~Sheriff Director~~ may deny an application for renewal for the reasons and in accordance with the procedures set forth in Section 10.

SECTION 21. FEES

- d) A duplicate or certified copy of a license, permit or identification card shall be issued by the ~~Sheriff Director~~ upon payment of a fee of ten dollars (\$10).

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on December 2, 2016. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017

and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

One email of support has been received via EROP:

Issue: TA2016006 Ordinance P-10 for Adult Oriented Businesses and Adult Service Providers

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: NEW RIVER
Zip: 85087
Phone Number: 6237426514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

Comment is regarding: Express Support with comment

Comments: As this moves forward, we would like to have assurances that this conforms with the Arizona Revised Statutes

Recommendation:

Staff recommends the Commission **initiate TA2016006.**

Prepared by: Jaclyn Sarnowski, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Maricopa County

Planning and Development Department

ENHANCED REGULATORY OUTREACH PROGRAM STAKEHOLDER MEETING

Friday, December 2, 2016

[illegible]



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016007 – Home Occupation

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 7

Supervisor District: All

Applicant: Commission-initiated

Request: Text amendment to the Maricopa County Zoning Ordinance, Chapters 2, 5, 6 & 13 regarding Home Occupations

Support/Opposition: 1 Letter of Support / 1 Letter of Concern

Recommendation: **Initiate**

Discussion:

This text amendment is intended to foster development of home-based businesses. Maricopa County Zoning Ordinance, Chapter 2, Section 201 will have revised definitions related to Home Occupations and Chapter 5, Article 501.2.10 and Chapter 6, Article 601.2.8 will be revised with regard to Home Occupations as listed in the Use Regulations for the Rural and Single-Family Residential zoning districts, respectively. The amendment will also amend Chapter 13, Section 1301. Special Uses to simply note that a Special Use Permit shall be required for any Home Occupation that does not adhere to the requirements of the Rural and Single-Family Residential zoning districts. Proposed verbatim language is (added language is underscored, deleted language is struck-through, highlighted language is changed since the 1/6/17 stakeholder meeting):

SECTION 201. DEFINITIONS

HOME OCCUPATION, RESIDENTIAL:

An accessory use of a dwelling property that involves very limited manufacture, provision, or sale of goods and/or services. This use may be administratively approved subject to conditions. ~~Garage/yard sales or home parties, that are held for the sale of goods or services, are not considered a home occupation provided these sales do not exceed six in one year. A residential home occupation is only permitted per the standards contained in the Rural and Single-Family Zoning Districts.~~

HOME OCCUPATION, COTTAGE INDUSTRY:

An accessory use of a dwelling property that involves limited manufacture, provision or sale of goods and/or services. This is a use that does not meet the conditions of a Residential Home Occupation and thus requires legislative approval by the Board of Supervisors. ~~Garage/yard sales or home parties that are held for the sale of goods or services are not considered a home occupation provided these sales do not exceed six in one year. A cottage industry is a more intense use than a residential home occupation and is only permitted per the standards contained in the Special Use Section in Rural Zoning Districts.~~

SECTION 501. RURAL-190 (Rural Zoning District)

ARTICLE 501.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

10. Home occupations, cottage industry, subject to the following:

- a. The entrepreneur of a home occupation shall reside in the dwelling on the property in which the business operates.
- b. ~~No one other than the residents of the dwelling shall be employed in the conduct of the home occupation. The number of persons who are employed in connection with the occupants, but who are non-residents of the dwelling on the property in which the business operates, shall not exceed three.~~
- c. The business shall be conducted entirely within a completely enclosed ~~dwelling building~~, other than allowance for limited outdoor storage per item 'n' below.
- d. ~~The total area used in the conduct of the business shall not exceed 15% or 250 square feet of the habitable dwelling area, whichever is less.~~
- e. ~~There shall be no signs, advertising, display or other indications of the home occupation on the premises.~~
- f. ~~The residential address of the business shall not be listed in any business directory or in any advertising.~~
- g. ~~Direct sales of products from display shelves or racks is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.~~
- d.h. ~~—The home occupation shall not interfere with the delivery of utilities or other services to the area.~~
- e.i. ~~—The business shall not generate any noise~~ if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- f.j. ~~No mechanical equipment or power tools shall be used except that used for normal household purposes~~ if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance.
- g.k. ~~—No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.~~
- h.l. ~~—There shall be no change to the residential appearance of the premises, except that a separate business entrance shall be permitted. A maximum four (4) square foot sign shall be permitted, and the sign shall otherwise meet the requirements of Article 1402.2 of this Ordinance including the creation of separate or exclusive business entrance(s).~~
- i.m. ~~Unless a passenger vehicle accessory to the residence or an employee, not~~ one vehicle used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times ~~and shall have no more than two axles.~~
- j.n. ~~—The number of customers, clients or students on the premises shall not exceed one~~ five at any time.
- k.o. ~~—No non-resident employees, customers, clients or students shall be permitted on the premises for business purposes between the hours of~~ 10:00 p.m. and 7:00 a.m.

- ~~l.p. Deliveries from commercial suppliers shall not occur more than once a month, shall not restrict traffic circulation and shall occur between 8:00 a.m. and 5:00 p.m., Monday through Friday.~~
- ~~q. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.~~
- ~~m.r. If the home occupation requires that any non-resident employees, customers, clients or students visit the property, a minimum of **one (1) additional off-street parking space** shall be provided per Chapter 11, Section 1102 of this Ordinance. For the purpose of providing said parking space, tandem parking is permissible. The maximum number of additional off-street parking spaces permitted shall be **six**.~~
- ~~n. The outdoor storage of materials shall be limited to a maximum of **25%** of total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall **or wood fence** to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.~~
- ~~o. All outdoor lighting shall be shielded so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height.~~
- ~~p. A Home Occupation Conditional Use Permit issued to **one** person shall not be transferable to any other person; is not attached to the land; and is not transferable from one place of residence to another.~~
- ~~q. The **home occupation** shall not begin operation without an approved Conditional Use Permit per Section 1303 of this Ordinance. However, if these conditions cannot be met, a Special Use Permit per Section 1301 of this Ordinance shall be required.~~

SECTION 601. R1-35 (Single-Family Residential Zoning District)

ARTICLE 601.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

8. Home occupations, cottage industry, subject to the following:

- ~~a. The entrepreneur of a home occupation shall reside in the dwelling on the property in which the business operates.~~
- ~~b. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation. The number of persons who are employed in connections with the occupants, but who are non-residents of the dwelling on the property in which the business operates, shall not exceed **three**.~~
- ~~c. The business shall be conducted entirely within a completely enclosed dwelling building, other than allowance for limited outdoor storage per item 'n' below.~~
- ~~d. The total area used in the conduct of the business shall not exceed **15% or 250 square feet** of the habitable dwelling area, whichever is less.~~
- ~~e. There shall be no signs, advertising, display or other indications of the home occupation on the premises.~~
- ~~f. The residential address of the business shall not be listed in any business directory or in any advertising.~~
- ~~g. Direct sales of products from display shelves or racks is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.~~
- ~~d.h. The home occupation shall not interfere with the delivery of utilities or other services to the area.~~

- e.i. —The business shall not generate any noise **(if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance)**, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- f.j. No mechanical equipment or power tools shall be used except that used for normal household purposes **if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance**.
- g.k. —No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.
- h.l. —There shall be no change to the residential appearance of the premises, except that a separate business entrance shall be permitted. A maximum four (4) square foot sign shall be permitted, and the sign shall otherwise meet the requirements of Article 1402.2 of this Ordinance including the creation of separate or exclusive business entrance(s).
- i.m. Unless a passenger vehicle accessory to the residence or an employee, not ~~more than one vehicle~~ used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times ~~and shall have no more than two axles~~.
- j.n. —The number of customers, clients or students on the premises shall not exceed **one five** at any time.
- k.o. —No non-resident employees, customers, clients or students shall be permitted on the premises for business purposes between the hours of **10:00 p.m. and 7:00 a.m.**
- l.p. —Deliveries from commercial suppliers ~~shall not occur more than once a month,~~ shall not restrict traffic circulation and shall occur between **8:00 a.m. and 5:00 p.m.**, Monday through Friday.
- q. ~~Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.~~
- m.r. —If the home occupation requires that any non-resident employees, customers, clients or students visit the property, a minimum of **one (1) additional off-street parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. ~~For the purpose of providing said parking space, tandem parking is permissible. The maximum number of additional off-street parking spaces permitted shall be six.~~
- n. The outdoor storage of materials shall be limited to a maximum of **25%** of total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall **or wood fence** to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.
- o. All outdoor lighting shall be shielded so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height.
- p. A Home Occupation Conditional Use Permit issued to **one** person shall not be transferable to any other person; is not attached to the land; and is not transferable from one place of residence to another.
- q. The **home occupation** shall not begin operation without an approved Conditional Use Permit per Section 1303 of this Ordinance. However, if these conditions cannot be met, a Special Use Permit per Section 1301 of this Ordinance shall be required.

SECTION 1301. SPECIAL USES

ARTICLE 1301.1. SPECIAL USES: The Board of Supervisors may permit as a Special Use any of the following uses in any zoning district unless otherwise specified in this Section:

18. Home occupations, cottage industry that do not meet the conditions of Article 501.2.10 in Rural Zoning Districts or that do not meet the conditions of Article 601.2.8 in Single-Family Residential Zoning Districts subject to the following requirements: provided the entrepreneur shall reside in the dwelling on the property in which the business operates.
- ~~1. The entrepreneur of the cottage industry shall reside in the dwelling unit in which the business operates.~~
 - ~~2. The number of persons who are employed in connections with the occupants, but who are non-residents of the dwelling, shall not exceed **three**.~~
 - ~~3. The cottage industry may be conducted either within the dwelling or an accessory structure, or both. Not more than **50%** of the combined floor area of the dwelling and any accessory structure(s) shall be used in the conduct of the cottage industry. The square footage of the cottage industry shall not exceed the square footage of the dwelling.~~
 - ~~4. Only **one** sign for the cottage industry may be permitted. Such sign shall not exceed **16 square feet** in area. Such sign shall be nonilluminated. Such sign may be placed flat against the wall of a building or such sign may be a freestanding monument sign, but the height of such sign shall not exceed **12 feet** for a wall sign and **six feet** for a monument sign.~~
 - ~~5. The business shall be conducted in an enclosed building, and any commercial vehicle used in conjunction with the cottage industry conducted on the lot shall be limited to **one** and shall be parked within an enclosed building when not in use.~~
 - ~~6. Adequate off-street parking shall be provided in accordance with the standards of Chapter 11, Section 1102, herein (including design and paving of parking areas), and the maximum number of parking spaces permitted shall be **six**.~~
 - ~~7. The outdoor storage of materials shall be limited to a maximum of **25%** of total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.~~
 - ~~8. Any property for which a Special Use for a cottage industry is approved shall front on and have direct access to a paved road accepted for maintenance by the County Highway Department or other governmental agency.~~
 - ~~9. Any outdoor lighting on a property approved for a cottage industry use shall be directed on site and shall conform to the shielding requirements for outdoor lighting as specific in Chapter 11, Section 1112, herein.~~
 - ~~10. A Cottage Industry Special Use Permit issued to **one** person shall not be transferable to any other person; is not attached to the land; and is not transferable from one place of residence to another.~~
 - ~~11. Direct sales of products from display shelves or racks is allowed provided such sales are specifically approved as part of the Special Use. However, a customer may pick up an order previously made by telephone or at a sales meeting.~~
 - ~~12. The cottage industry shall not interfere with the delivery of utilities or other services to the area.~~
 - ~~13. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would~~

~~exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.~~

~~14. The owner or operator of a cottage industry shall obtain a cottage industry permit from the Zoning Inspector prior to initiating business activity on the premises.~~

~~15. There shall be no variance or waiver from these requirements except by unanimous vote of all members of the Board of Supervisors.~~

~~16. The recommendation of the Commission may consist of additional reasonable requirements including but not limited to the following:~~

- ~~a. The number of non-resident employees, clients, customers or students visiting the site.~~
- ~~b. The hours of operation.~~
- ~~c. Deliveries to the site.~~
- ~~d. The types of materials used in the business.~~
- ~~e. The types and amounts of materials, products and services sold by the business.~~
- ~~f. The types and amounts of materials manufactured by the business.~~
- ~~g. The types, amounts and locations of materials stored for use by the business.~~
- ~~h. The types and sizes of vehicles used in the business.~~
- ~~i. Parking requirements.~~
- ~~j. Screening.~~
- ~~k. Landscaping.~~
- ~~l. Signs.~~
- ~~m. Paved access.~~
- ~~n. Lighting.~~

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 6, 2017. If this item is initiated at today's ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2016. The ordinance/amendments will take immediate effect upon adoption/approval. This amendment includes changes to the definitions of Home Occupation, Residential, and Home Occupation, Cottage Industry included in TA2016004 – Home Occupation / Sales, Garage / Yard Definitions. These proposed changes resulted from stakeholder meeting conversations be incorporated into TA2016004 staff report at its anticipated Commission hearing on March 30, 2017.

Attendance at the stakeholder meeting was limited with three members from the public in attendance. Stakeholder discussion included additions, deletions, and revisions to the originally proposed language of TA2016004 and TA2016007. Donald Dahler, of the East Valley Property Rights Coalition, expressed concern over differentiating between Home Occupations and Cottage Industries.

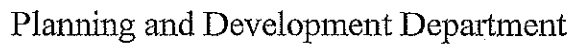
The East Valley Property Rights Coalition concerns focused on what the expressed differentiation of administratively approved Home Occupations and legislatively approved Home Occupations, Cottage Industries are by definition, and additionally lobbied for the inclusion of language addressing the effects of possible adverse noise generated by these uses in a residential neighborhood. Staff believes that by definition the two are nearly identical with actual intensity of application being the differentiation, which is detailed not by definition, but by limitation of practice as addressed in the Use Regulations provisions of the zoning districts where they are permitted. Staff inserted language to address concerns over possible adverse noise generated by the subject uses, where such adverse noise above normal residential levels shall be prohibited. There have been no other comments to date.

Recommendation:

Staff recommends the Commission **initiate** TA2016007 with the proposed additions, deletions, and revisions to TA2016004.

Prepared by Derek Scheerer, Planner and Darren V. Gerard, AICP, Deputy Director

Attachments: 12/2/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)
1/5/17 East Valley Property Rights Coalition Comments (1 page)



Friday, January 6, 2017

[illegible]

Derek Scheerer - PLANDEVX

From: Darren Gerard - PLANDEVX
Sent: Thursday, January 05, 2017 5:51 PM
To: Jaclyn Sarnowski - PLANDEVX
Subject: FW: Regulatory Outreach

Importance: High

Darren V. Gérard, AICP, Deputy Director
Maricopa County Planning & Development Department

Take our survey! www.yourvoicemc.com

From: Jennifer Pokorski - FCDX
Sent: Thursday, January 05, 2017 5:31 PM
To: Darren Gerard - PLANDEVX <DarrenGerard@mail.maricopa.gov>
Cc: Lynne Hilliard - MCDOTX <lynnehilliard@mail.maricopa.gov>
Subject: FW: Regulatory Outreach

From: dp.dahler@q.com [<mailto:dp.dahler@q.com>]
Sent: Thursday, January 05, 2017 4:58 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: TA2016007 Home Occupations

Citizen's Name: Donald Dahler
Organization: East Valley Property Rights Coalition
City: Mesa
Zip: 85207
Phone Number: 480-984-8061
Phone Type: home
Email: dp.dahler@q.com

Does citizen want to be contacted: yes

Comment is regarding: other

Comments:

1. Differentiate between a Home Occupation and a Cottage Industry: Something needs to be done to better differentiate between a Home Occupation (can be administratively approved) and a Cottage Industry (Requires Legislative Approval by the Board of Supervisors) at present they pretty much read the same. Maybe we need to give some specific examples of what is considered a home occupation that can be approved administratively and what the limitations are to get by with only administrative approval. At present there seems to be no significant difference between the Home Occupation and the Cottage Industry requirements which, could allow Cottage Industries being approved administratively without the proper input of the neighbors. 2. SPECIAL USES ARTICLE 1301.1 Add a requirement: n. The amount of permissible noise other

than normal residential noise. If an individual is running a business out of their home in a quiet residential neighborhood the sound restrictions need to be stricter than the normal Maricopa County restrictions as the business could have loud noise all day and up to 10:00 P.M. every day which would be disruptive to the peace and tranquility of the residential neighborhood for neighbors trying to have a quite peaceful day or evening outdoors.

Time of Request: 1/5/2017 4:57:40 PM



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016008 – Tiny Houses (Zoning)

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 8

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment to update the Maricopa County Zoning Ordinance regarding Tiny Houses within the rural and single-family residential zoning districts.

Support/Opposition: None known to date.

Recommendation: **Initiate**

Discussion:

This text amendment will add a new definition of “Tiny House” in Section 201 of the Maricopa County Zoning Ordinance, and will revise Chapter 5, Article 501.2.1 and Chapter 6, Article 601.2.1 inserting language with regard to tiny houses into the Use Regulations for the Rural and Single-Family Residential zoning districts, respectively. (There is an associated text amendment to the Maricopa County Local Additions and Addenda, TA2016009.) The purpose of these text amendments is to clarify that tiny houses are permitted in unincorporated Maricopa County.

Proposed verbatim language is (added language is underscored, deleted language is struck-through, and changes since the January 6, 2017 Stakeholder Meeting are highlighted):

SECTION 201. DEFINITIONS

Tiny House – A single family dwelling less than 400 square feet, but not less than 200 square feet in floor area. A tiny house licensed as a Travel Vehicle by the State of Arizona shall meet requirements for a Recreational Vehicle.

SECTION 501. RURAL-190 (Rural Zoning District)

ARTICLE 501.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

1. One single-family dwelling per lot of record including tiny house, site-built home, mobile home or manufactured home.

SECTION 601. R1-35 (Single-Family Residential Zoning District)

ARTICLE 601.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

1. One single-family dwelling per lot of record including tiny house, site-built home, mobile home or manufactured home.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 6, 2017. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017 and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

There have been no public comments to date.

One issue for discussion is should the tiny house amendment allow for a recreational vehicle (RV) to act as a primary dwelling unit in the rural and residential zoning districts. If not, the definition language or zoning district use language may need to be clarified.

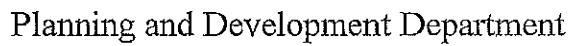
Recommendation:

Staff recommends the Commission **initiate TA2016008**.

Prepared by: Jaclyn Sarnowski, Planner

Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director

Attachment: 1/6/17 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Friday, January 6, 2017

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Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2016009 – Tiny Houses (Building)

Meeting Date: February 16, 2017 (ZIPPOR)

Agenda Item: 9

Supervisor District: All

Applicant: Commission-initiated

Request: A Text Amendment add a new Section 212 to the Maricopa County Local Additions and Addenda (adopted construction safety codes, as amended) to outline construction permitting standards specific to tiny houses.

Support/Opposition: None known to date.

Recommendation: **Initiate**

Discussion:

This text amendment will add a new Section 212 to the Maricopa County Local Additions and Addenda (adopted construction safety codes, as amended) to outline construction permitting standards specific to tiny houses. (There is an associated text amendment to the Maricopa County Zoning Ordinance, TA2016008.) The purpose of these text amendments is to clarify that tiny houses are permitted in unincorporated Maricopa County.

Proposed verbatim language is (added language is underscored, deleted language is struck-through, and changes since the January 6, 2017 Stakeholder Meeting are highlighted):

Section 212 – Tiny Houses:

Tiny House: A single-family dwelling, less than 400 square feet, but not less than 200 square feet in floor area, that must comply with all Maricopa County Building, Electrical, Mechanical and Plumbing Regulations for single-family dwellings, with the following exceptions:

Section 212.1: The tiny house may be partially or entirely built on-site or off-site. If built off-site the permit applicant must submit plans and approval by a Nationally Recognized Testing Laboratory, or other third party professional registrant approved by the Building Official.

Section 212.2: There may be minimum room dimensions of six feet six inches with no room smaller than 65 square feet, excluding storage areas and bathrooms.

Section 212.3: There may be a ceiling height of six feet four inches in open livable areas with an unobstructed path for ingress and egress.

Section 212.4: Lofts built as storage shall not be permitted as bedrooms, unless meeting ceiling height and ingress/egress requirements. Loft areas shall have proper guardrails. Loft areas used as bedrooms may use a fixed ladder or other specially designed stair with uniform rise and run for ingress/egress.

Section 212.5: There may be fifteen inches of clearance from center of toilet to wall or cabinets, and fifteen inches of clearance in front of toilets.

Other than these few exceptions tiny houses will need to comply with all Maricopa County Building, Zoning, Drainage, Flood Plain, Environmental Services, and MCDOT Regulations.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 6, 2017. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 30, 2017. This text amendment is also scheduled for the Building Code Advisory Board public hearing on April 11, 2017 and the tentative BOS hearing for adoption is April 26, 2017. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

There have been no public comments to date.

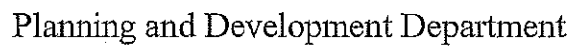
Recommendation:

Staff recommends the Commission **initiate TA2016009.**

Prepared by: Jaclyn Sarnowski, Planner

Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director

Attachment: 1/6/17 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Friday, January 6, 2017

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